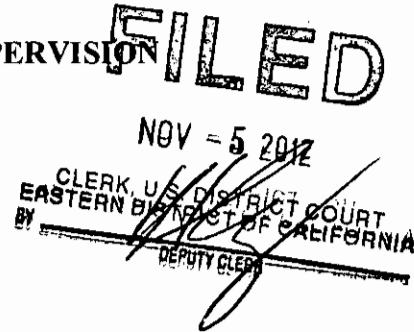


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER
(Probation Form 49, Waiver of Hearing, is on file)



Offender Name: Lannis Tyrone YOUNG

Docket Number: 1:05CR00121-01

Offender Address: Sacramento, California

Judicial Officer: Honorable Anthony W. Ishii
Senior United States District Judge
Fresno, California

Original Sentence Date: 09/05/2006

Original Offense: 18 USC 222(b) - Use of Facility of Interstate Commerce to Induce a Minor to Engage in Criminal Sexual Activity (CLASS B FELONY)

Original Sentence: 60 months custody Bureau Prisons; 120 months Supervised Release; \$100 Special Assessment

Special Conditions: 1) Submit to search; 2) Mental health treatment; 3) Co-payment for treatment services; 4) No online computer access; 5) No contact with minors; may have contact with his biological children in presence of their mother upon approval by probation officer; 6) Computer inspections; 7) Pornography restriction; 8) Phone record disclosure.

Type of Supervision: Supervised Release

Supervision Commenced: 10/04/2010

Assistant U.S. Attorney: David L. Gappa **Telephone:** (559) 497-4000

Defense Attorney: Francine Zepeda **Telephone:** (559) 487-5561

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Other Court Action:

10/18/2006: Amended Judgment in a criminal case filed correcting additional special conditions to a continuation page. Special conditions include: 9) Employer third party disclosure of computer-related conditions; 10) Sex offender treatment; 11) Federal sex registration; and 12) DNA collection.

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. The defendant shall submit to the search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer in the lawful discharge of the officer's supervision functions with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant shall not possess or use a computer or any device that has access to any "on-line computer service" unless approved by the probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.
5. The defendant shall have no contact with children under the age of 18 unless approved by the probation officer in advance. The defendant is not to loiter within 100 feet of school yards, parks, playgrounds, arcades, or other places primarily used by children under the age of 18. This shall include that the

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defendant is not to engage in any occupation, either paid or volunteer, which exposes him directly or indirectly with children under the age of 18.

6. The defendant shall consent to the probation officer and/or probation service representative conducting periodic unannounced examinations of (a) any computer, or (b) computer-related device, or (c) equipment that has an internal or external modem which is in the possession or control of the defendant. The defendant consents to retrieval and copying of all data from any such computer, computer-related device, or equipment, as well as any internal or external peripherals, to ensure compliance with conditions. The defendant consents to removal of such computer, computer-related device, and equipment for purposes of conducting a more thorough inspection and analysis.
7. The defendant shall not possess, own, use, view, read, or frequent places with material depicting and/or describing sexually explicit conduct, including computer images, pictures, photographs, books, writings, drawings, videos, or video games. "Sexually explicit conduct" as defined in 18 USC 2256(2) means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.
8. The defendant shall provide all requested business/personal phone records to the probation officer. The defendant shall disclose to the probation officer any existing contracts with telephone line/cable service providers. The defendant shall provide the probation officer with written authorization to request a record of all outgoing or incoming phone calls from any service provider.

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10. The defendant shall attend, cooperate with, and actively participate in a sex offender treatment and therapy program [which may include, but is not limited to, risk assessment, polygraph examination, computer voice stress analysis (CVSA), and/or ABEL assessment] as approved and directed by the probation officer and as recommended by the assigned treatment provider.
13. The defendant's residence shall be pre-approved by the probation officer. The defendant shall not reside in direct view of places such as school yards, parks, public swimming pools, or recreational centers, playgrounds, youth centers, video arcade facilities, or other places primarily used by children under the age of 18.
14. The defendant consents to having installed on any computer, computer-related device, and equipment, at the defendant's expense, any hardware or software systems to monitor the use of such computer, computer-related device, and equipment at the direction of the probation officer, and agrees not to tamper with such hardware or software and not install or use any software programs designed to hide, alter, or delete his/her computer activities. The defendant consents to not installing new hardware without the prior approval of the probation officer.

Justification: On June 15, 2012, Mr. Young reported to the Elk Grove Probation Office for his initial appointment following the transfer of his case to the undersigned, the designated Sex Offender Specialist.

In reviewing the terms and conditions of the judgment, it was apparent to this officer that the offender's compliance to special condition five of the Amended Judgment was in question and clarification by Your Honor is needed. Specifically, the last sentence of this special condition reads, "Defendant may have contact with his biological children in the presence of their mother upon approval by the probation officer." According to the offender he has been caring for his daughters,

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now ages 17 and 10, without the presence of their mother and this has been occurring since his release to supervision on October 4, 2010. Mrs. Young has not been present during the day; thus, the offender appears to be in noncompliance with special condition five.

At the initial interview with the undersigned, Mrs. Young was present during the office visit and interview as she is viewed as an accountability partner. She confirmed Mr. Young has cared for their children as she works more than 50 miles one-way from the family home. She leaves daily by 7:00 A.M., and the offender is needed to ensure the girls are ready for school and arrive there safely. Additionally, she states he has cared for them during school holidays and summer vacations. Mrs. Young stated she has full faith the offender will continue to provide appropriate care for the girls and bring them no harm.

While reviewing Mr. Young's cell phone, it was discovered the phone had internet service. Mr. Young initially pretended he had no knowledge of the phone's capabilities. However, after specific questioning, he admitted not only was he aware of the phone capabilities, he had also been accessing the internet since October 2010. When asked if he had accessed pornography, the offender admitted he has been "streaming" adult pornography since December 2010. Mrs. Young, who was visibly upset about his disclosure, reported she had selected the phone for Mr. Young but was unaware of his activities on the internet. Mr. Young surrendered the cell phone for further examination. A subsequent limited review was conducted and no child pornography was detectable, although "streaming" does not leave a recordable history.

To Mr. Young's benefit, he is highly supported by his wife, his children, and family members, who have asked for approval for continued contact with him. Additionally, Mr. Young is gainfully employed and works at night. His contact with his daughters is limited as he ensures they arrive and return home from school.

In response, Mr. Young has disclosed his actions to the sex offender treatment group, and discussed his conduct with the sex offender therapist. His sex offender treatment is progressing accordingly. Unannounced home visits will continue to occur to ensure his full compliance and the safety of his

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children as best possible. Mrs. Young has submitted a letter acknowledging her approval of the offender to not only care for their children but to be alone with them as needed. She has also selected a cell phone which only allows the offender to call and text, and can be appropriately monitored. She is now more actively involved in monitoring his activities. Additionally, Mr. Young has agreed to the above conditions which include the updated district's sex offender conditions, to include no pornography and residence approval. The updated conditions provide a clear understanding for Mr. Young as to his responsibilities and allow this officer to appropriately supervise the offender. Condition five removes the last sentence, thus allowing the offender to have contact with his daughters without the presence of their biological mother, as approved by this officer. Mr. Young will also be required to participate in the probation office Sex Offender Accountability Program (SOAP) as directed by this officer.

Should Your Honor deem this plan appropriate, it is respectfully recommended the terms and conditions of supervised release be modified to include the above conditions.

Respectfully submitted,

/s/ George A. Vidales

GEORGE A. VIDALES
Senior United States Probation Officer
Telephone: (916) 683-3324

DATED: November 2, 2012
Elk Grove, California
GAV/sda

REVIEWED BY: /s/ George A. Vidales for
JACK C. ROBERSON
Supervising United States Probation Officer

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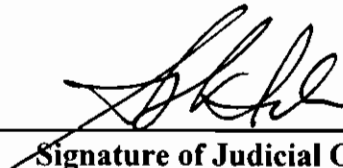
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THE COURT ORDERS:

- ☒ Modification approved as recommended.
- ☐ Modification not approved at this time. Probation Officer to contact Court.
- ☐ Other:

11-5-12
Date


Signature of Judicial Officer

cc: United States Probation
David L. Gappa, Assistant United States Attorney
Francie Zepeda, Assistant Federal Defender
Defendant
Court File